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HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			LUU, LE HIEN	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/850,301
Filing Date: May 07, 2001
Appellant(s): TERRIBLE, MARK A.

John E. Curtin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 12/15/2006 appealing from the Office action mailed on 03/28/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,960,429	Peercy et al.	09/1999
2002/0099807	Doyle	07/2002
6,826,652	Chauvel et al.	11/2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-20, 22-31, and 33-36 are objected to because of the following informalities: Applicant uses "Internet site" and "Internet site name" interchangeably. For consistency, applicant is requested to use "Internet site name" or "Internet site names" in all claims. Appropriate correction is required.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 37-40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Peercy et al. (Peercy) patent no. 5,960,429, in view of Doyle pub. no. 2002/0099807. In addition, Chauvel et al. (Chauvel) patent no. 6,826,652 is used to support well-known teachings.

4. As to claim 1, Peercy teaches the invention substantially as claimed, including a

- (a) receiving an Internet site name (col. 2, lines 19-31);
- (b) storing the Internet site name (FIG. 2, ref. 28; wherein the Internet site name is in the form of URL) in an entry of a table having n entries (FIG. 2, ref. 28 & 30; col. 4 lines 30-47; the table has name field and a count field) if the Internet site name is not in the table (FIG. 2, ref. 24); and
- (c) counting the number of times the Internet site name has been received (FIG. 2, ref. 30).

However, Peercy fails to explicitly teach that if the Internet site name is new and the table is full, selecting an entry from a set of replaceable entries in the table and replace the selected entry with the new entry and caching a resource corresponding to at least one of a most frequently used Internet sites r where $r \leq n$, wherein the table includes both replaceable and irreplaceable entries.

Doyle teaches replacing an entry in cache with a new entry when the cache is full (Abstract, page 3, paragraph [0026]). In addition, Official Notice is taken that table

including both replaceable and irreplaceable entries is well-known (Chauvel, patent no. 6,826,652; col. 1 lines 46-52; Chauvel disclosed in the background of the invention).

It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the well-known teachings with the teachings of Peercy and Doyle to replace one of the entry with the new entry, caching web contents corresponding to at least one of a most frequently used web sites, and provide a table includes both replaceable and irreplaceable entries because it would reduce cost and improve access time.

5. As to claims 2-4, Peercy and Doyle teach the Internet site name is a URL; each entry of the table has a name field for storing the Internet site name and a count field for storing the number of times the Internet site name has been received; retrieving r most frequently used Internet site names according to the value of the count field of each entry (Peercy, Figure 2; col. 4 lines 30-47).
6. As to claim 5, Peercy and Doyle teach if the table is full and the Internet site name is not in the table, replace one of the q least frequently used entries according to the value of the count field of each entry (Doyle, page 3, paragraph [0026]).
7. As to claims 37-38, Peercy and Doyle teach cached resource is a HTML file or an audio file (Peercy, col. 2 lines 19-25).

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8. As to claims 6-15 and 39-40, limitations of claims 6-15 and 39-40 that are similar to limitations of claims 1-5 and 37-38 are being rejected under the same rationale. In addition, Peercy teaches sorting entries in the table (Peercy, col. 4 lines 41-47).
9. Claims 16-20, 22-31, 33-36, and 41-42 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Peercy et al. (Peercy) patent no. 5,960,429, in view of Doyle pub. no. 2002/0099807, and Swildens, pub. no. 2001/0034792.
10. As to claims 16-20, 22-31, 33-36, and 41-42, limitations of claims 16-20, 22-31, 33-36, and 41-42 that are similar to limitations of claims 1-5 and 37-38 are being rejected under the same rationale. Peercy and Doyle teach the invention substantially as claimed as discussed above; however they do not explicitly teach converting the Internet site name into a hash number and storing the number into an entry in a table. Swildens teaches hashing server names or addresses into numbers and storing them in a table (figures 4-5 and 7-8; pages 4 and 6, paragraphs [0077 – 0087] and paragraphs [0131 – 0132]). It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the teachings of Peercy, Doyle, and Swildens to convert the Internet site name into a hash number and storing the number into an entry in a table because it would keep the table small and manageable.

(10) Response to Arguments

(A) Applicant's argument related to objections of claims 1-20, 22-31, and 33-36 that applicant has made changes to replace "Internet site" with "Internet site name".

As to point (A), Examiner agrees. Therefore, Examiner withdraws the objection of claims 1-20, 22-31, and 33-36.

(B-i) Applicant argues that prior art does not teach the selection of an entry from a set of replaceable entries in a table where the table includes both replaceable and irreplaceable entries as in claims 1-15 and 37-40.

As to point (B-i), Peercy teaches a table contains rows and columns where each row includes title, web site (URL or Internet site name), and counter that is incremented every time the web site is accessed (Peercy, col. 2, lines 19-31; FIG 2, col. 4, lines 30-47).

However, Peercy fails to explicitly teach that if the Internet site name is new and the table is full, selecting an entry from a set of replaceable entries in the table and replace the selected entry with the new entry, wherein the table includes both replaceable and irreplaceable entries.

Doyle teaches replacing an entry in cache with a new entry when the cache is full (Doyle, Abstract, page 3, paragraph [0026]).

In addition, Official Notice is taken that table including both replaceable and irreplaceable entries is well-known (Chauvel, patent no. 6,826,652; col. 1 lines 46-52; Chauvel disclosed in the background of the invention. Chauvel also teaches there is a tradeoff for using irreplaceable entries in cache. Certain routines have critical time

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constraints or need predictable execution time. Irreplaceable entries in cache can be used to eliminate latencies due to cache misses even though irreplaceable entries in cache reduce the size and associativity of the cache).

It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the well-known teachings with the teachings of Peercy and Doyle to replace one of the entry with the new entry, caching web contents corresponding to at least one of a most frequently used web sites, and provide a table includes both replaceable and irreplaceable entries because it would reduce cost and improve access time.

(B-ii) Applicant argues that prior art does not teach the selection of an entry from a set of replaceable entries in a table where the table includes both replaceable and irreplaceable entries as in claims 16-20, 22-31, 33-36, 41 and 42.

As to point (B-ii), Please refer to item (B-i) above because applicant argues the same point.

(B-iii) Applicant argues that prior art does not teach cached resource is audio file.

As to point (B-iii), Peercy teaches server caches HTML file which inherently includes multimedia file (Peercy, col. 2 lines 19-31).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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